

## **REMARKS**

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claims 5-6 have been canceled in this paper. Claims 1, 24, 26 and 27 have been amended in this paper. No new claims have been added in this paper. Therefore, claims 1-3, 7-13 and 24-27 are pending and under active consideration.

Claims 12-13 have been allowed.

Claims 1-3, 5 and 7-11 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Staheli, USP 5,028,225 in view of Takagi et al., USP 4,875,647 for the reasons cited in the previous office action." In support of the rejection, the Patent Office states the following in the final Office Action of June 4, 2003:

The cited primary reference substantially teaches the basic claimed process of molding a continuous cable tie. The detailed process steps include providing a continuous web or film of material wherein the web passes through an injection mold and a plastic material having a desired feature is molded onto the section of web material. The product is cut into individual units upon hardening of the resin. Note that cable ties is suggested, see col. 1, lines 17-22. Also see col. 3, line 30 to col. 4, line 25.

The cited primary reference does not teach molding a head attachment as claimed.

The added reference is cited to show the conventionality of molding a head configuration as claimed, onto a continuous strip of material in the molding of a cable tie. The detailed features include providing a cable tie having head, a tail, a channel and a locking tang. The tail portion can be inserted into the head, through the channel and form a loop. See col. 3, lines 5-65 and claims 1-6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to so mold a head of the

configuration as shown in the added reference, when performing the continuous molding process set forth in the primary reference, for forming a composite cable tie having the conventional head design as disclosed in the applied prior art.

Note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Insofar as the foregoing rejection pertains to claim 5, the rejection is moot in view of Applicant's cancellation herein of claim 5. Insofar as the foregoing rejection pertains to claims 1-3 and 7-11, Applicant respectfully traverses the foregoing rejection. Claim 1, from which claims 2-3 and 7-11 depend, has been amended herein to include the limitations of canceled claim 6. The Patent Office has indicated in the outstanding Office Action that claim 6 is allowable over the prior art. Consequently, claim 1, which includes the limitations of claim 6, is also allowable over the prior art. Claims 2-3 and 7-11, based at least on their respective dependencies from claim 1, are similarly allowable over the prior art.

Accordingly, for at least the above reasons, the foregoing rejection should be withdrawn.

Claims 24-25 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Staheli, USP 5,028,225 in view of Sutherland et al., USP 4,730,615." In support of the rejection, the Patent Office states the following:

The cited primary reference substantially teaches the basic claimed process of molding a continuous cable tie. The detailed process steps include providing a continuous web or film of material wherein the web passes through an injection mold and a plastic

material having a desired feature is molded onto the section of web material. The product is first pre-cut prior to molding and is then finally cut into individual units upon hardening of the resin. Note that forming of cable ties is suggested, see col. 1, lines 17-22. Also see col. 3, line 30 to col. 4, line 25.

The cited primary reference does not teach cutting the material to its finished size and molding a head attachment as claimed.

The added secondary reference teaches as conventional the forming of a continuous length closure device comprising a plastic coated metal web cut to a desired length. The head portion is formed by locating an end of the cut web in a mold, and insert molding or injection molding around the cut end. See col. 3, lines 6-15, 45-50.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to fully cut the web to final size and form an insert molded head portion on the end of the cut strap of material as shown in the added reference, when performing the process set forth in the primary reference, to shorten the molding cycle and avoid two cutting steps as set forth in the applied reference.

Later in the Office Action, the Patent Office states the following:

[T]he claim does not recite cutting a web into a plurality of straps, or molding many articles simultaneously; thus the argument regarding whether the prior art teaches these unclaimed features does not give patentable weight to the claims of record.

Applicant respectfully traverses the foregoing rejection. Claim 24, from which claim 25 depends, recites “[a] method of making a plurality of cable ties, said method comprising the steps of:

(a) continuously-molding a length of strap material, said length of strap material having a front end and a rear end;

(b) then, cutting said length of strap material to yield a plurality of individual straps of finished size, each of said individual straps having a front end and a tail; and

(c) then, simultaneously insert-molding a front portion around said front end of each of a plurality of said individual straps, each of said front portions comprising a head, said head being shaped to include a channel through which said tail may be inserted and also being shaped to include means for engaging said strap to form a locked closed loop.”

The applied combination of references does not teach or suggest the claimed method of making a plurality of cable ties. More specifically, Staheli and Sutherland et al., taken alone or in combination, do not teach or suggest, among other things, (i) cutting a length of continuously-molded strap material to yield a plurality of individual straps of finished size and then (ii) simultaneously insert-molding a front portion including a head around the front end of each of the plurality of individual straps. Both the cutting of a length of continuously-molded strap material to yield a plurality of individual straps of finished size and the simultaneous insert-molding of a front portion onto the front end of each of the straps are specifically recited in claim 24.

Accordingly, for at least the above reasons, the foregoing rejection should be withdrawn.

Claims 6, 26 and 27 stand objected to “as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

Insofar as the foregoing objection relates to claim 6, the objection is moot in view of Applicant’s cancellation herein of claim 6. Insofar as the foregoing objection relates to claims 26 and 27, Applicant has re-written each of claims 26 and 27 in independent form, as suggested by the Patent Office.

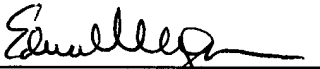
Accordingly, for at least the above reasons, the foregoing objection should be withdrawn.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

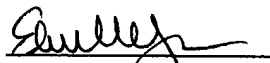
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 25, 2004.



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